

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-407-RJC**

THIS MATTER is before the Court on a “Motion to Dismiss for Failure to State a Claim,” filed by Defendant S.R. Cobb, (Doc. No. 35), on June 5, 2015. As Defendant Cobb correctly points out in her motion to dismiss, this Court already dismissed Defendant Cobb from this action when the Court conducted its initial review of Plaintiff’s Complaint on August 19, 2014. See (Doc. No. 16). Cobb notes that, despite that the Court dismissed her as a Defendant, she was nevertheless served with summons. She has, therefore, now filed this motion to dismiss.

This Court will deny as moot Cobb's Motion to Dismiss, (Doc. No. 35), as Cobb is no longer a Defendant in this lawsuit, pursuant to this Court's order entered on August 19, 2014, specifically dismissing Cobb from this action. See (Doc. No. 16).

IT IS, THEREFORE, ORDERED that:

1. Defendant Cobb's "Motion to Dismiss for Failure to State a Claim," (Doc. No. 35), is hereby **DENIED** as moot, as Defendant Cobb has already been dismissed from this action.
2. The Clerk of this Court is instructed to correct the docket report to show that

Defendant Cobb has been terminated from this action.

Signed: June 12, 2015

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
United States District Judge

